

Permit # \_\_\_\_\_  
Issue Date \_\_\_\_\_  
Expiration Date END OF COVID-19  
DINING RESTRICTIONS

CITY OF LINCOLN  
ENGINEERING DIVISION  
600 SIXTH STREET LINCOLN,  
CA 95648  
(916) 434-3233

Application Fee - N/A  
Insurance Cert Y ☐ N ☐

ENCROACHMENT PERMIT  
FOR OUTDOOR DINING  
WITHIN CITY RIGHT-OF-WAY

<u>APPLICANT (required)</u>	
Company/Organization Name _____	
Address _____	City _____ Zip _____
Contact Name _____	Telephone (Office) _____ (Cell) _____
Email Address _____	
<u>LOCATION OF ENCROACHMENT</u> _____	
Estimated No. of Days _____	Anticipated Start Date _____
City Issued Business License No. _____	

**Executive Order Regarding Temporary Outdoor Dining  
Guidelines shall be adhered to.  
See pages 3-6 of this permit for Guidelines.**

<u>STREETS (if applicable)</u>	
Curb & Gutter: vertical _____	rolled _____
Sidewalk: width _____	length _____
Paved Dip: depth _____	from edge of road _____
Culvert Pipe: size _____	width paved _____ to bottom of pipe _____
Straight Driveway: width _____	grade _____ from edge of road _____
Other: _____	

	<u>INSPECTIONS (REQUIRED FOR ALL APPLICANTS)</u>  <i>Contact the inspector at least 48 hours prior to commencing work:</i> _____
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<u>OTHER / MISCELLANEOUS</u>	
_____ _____ _____ _____	

CITY OF LINCOLN WORKING HOURS ARE MONDAY TO FRIDAY, 7AM TO 7PM.

LOCATION MAP AND/OR IMPROVEMENT DRAWINGS (ATTACH TO APPLICATION)

SHOW STREET AND DISTANCE TO NEAREST CROSS STREET. SHOW EXACT LOCATION AND REFERENCE ANY LANDMARKS. IN SOME CASES, AN ERROR OF 10 FEET CAN RESULT IN THE WRONG SPECIFICATIONS.

GENERAL PROVISIONS ON REVERSE SIDE; SIGN AND DATE

Permittee hereby understands and agrees that failure to complete all work described herein, on or before expiration date shown above, will give the City authority to exercise the option of (1) completing the work with City forces, or (2) engaging the lowest bidder to complete the work. This will also apply to work that is defective or does not meet the specifications or requirements of the permit. IN SUCH CASES THE PERMITTEE WILL DEFRAY ALL COSTS. See additional provisions on reverse side with specifications, if necessary.

Phone \_\_\_\_\_

APPROVED:

City Engineer or Designee

Signature of Applicant \_\_\_\_\_

BY \_\_\_\_\_ Date: \_\_\_\_\_

Print Name \_\_\_\_\_

## GENERAL PROVISIONS

- A. This permit shall, in all respects, be subjected to and governed by the provisions of Chapter 5.5; commencing with Section 1450 Division 2 of the Streets & Highways Cod of the State of California, except where expressly superseded by more stringent County Ordinances or provisions contained herein.
- B. Permittee shall, at its expense, relocate subject encroachment when necessary because of street or highway improvements in accordance with Section 1463 of the Streets & Highways Code of the State of California.
- C. Permittee agrees to notify the City of completion of all work authorized under this permit, and shall obtain final approval and acceptance of work from the Engineering Division.
- D. Permittee agrees to place all necessary temporary traffic control (TTC) to properly protect road users and workers at all times. TTC shall conform to current CA MUTCD standards. Traffic shall be permitted to pass at all times unless otherwise specified. One-way traffic may be maintained, in the area of work only, upon approval by the City Engineer, and only during the approved days/hours. Two-way traffic shall be maintained at all times, during hours of darkness and where practicable during daylight hours. TTC shall address all impacted road users, including vehicular traffic, bicyclists and pedestrian traffic where applicable.
- E. Permittee shall maintain the improvement constructed or made pursuant to this permit in good and safe condition for as permittee owns or controls the improvement.
- F. For underground pipelines and utilities at all locations, the length of trench open at any one time shall not exceed that in which the line can be laid and the trench back filled in one day, and the amount of line stored at any one location within the City right-of-way shall not exceed that which can be laid in one day. Stockpiling of trench back fill material and/or excavated material from the trench shall not be stored within the City right-of-way in excess of that which cannot be used within the same working day. No material from excavation or construction materials shall be stockpiled within existing roadway paved areas. Temporary paving of a minimum thickness of 1 ½" of premix pavements shall be placed within 24 hours after the completion of the back fill operation.
- G. Driveway access to private property shall be maintained at all times.
- H. This permit may be revocable at the sole discretion of the City Engineer.
- I. The rights granted permittee under this permit are limited to those possessed by the City and the City does not warrant it has adequate rights for the intended use.
- J. Permittee shall indemnify City and its officers and employees for any and all loss or liability resulting from any work performed pursuant to this permit or any failure to properly maintain the improvement.
- K. No Permit to excavate shall be valid unless the applicant has been provided an inquiry identification number by a "Regional Notification Center" pursuant to Section 4216 and 4217 of the Government Code.
- L. Minor Encroachment permits are within the class of projects which do not have significant effect on the environment and are exempt from the provisions of the California Quality Act. (Ref. Section 15105(b) of the State FIR Guidelines.)
- M. "The City may issue several encroachment permits for work to be performed in a single area. The City does not warrant that the land for which this permit is issued is free of underground pipelines, utilities, or other obstructions. Permittee is responsible for installing its facilities in such a manner as to be compatible with existing facilities. The City does not warrant that the land will in the future be free from disturbances caused by other permittees."
- N. Permittee shall not bury any underground modification or alteration to City Facilities without first having the modification or alteration inspected and approved by the Engineering Division Inspector. A minimum 48-hours notice shall be provided for request of inspection.
- O. Permittee shall not pave any trench restoration without first having subgrade and subbase inspected and approved by the Engineering Division Inspector. A minimum 48-hours notice shall be provided for request of inspection.
- P. Compaction testing of backfill for subgrade, subbase, base and finish pavement shall be provided in the frequency determined by the City Engineer, or designee, at the sole cost and expense of the Permittee.
- Q. Security guaranteeing completion of work within city right-of-way, or modification, or alteration of city facilities within its easements, shall be provided for 100% of the cost of impacts to city facilities in the form of a cash deposit, performance bond, or letter of credit for all work that involves impacts to city facilities of \$500 or greater. This requirement shall not apply to utility companies that are regulated by the California Public Utilities Commission.
- R. Security guaranteeing payment for work within city right-of-way, or modifications or alterations of city facilities within its easements, shall be provided for 100% of the cost of impacts to city facilities in the form of a cash deposit, payment bond or letter of credit for all work that involves impacts to city facilities of \$500 or greater. This requirement shall not apply to utility companies that are regulated by the California Public Utilities Commission.
- S. Provide the City of Lincoln with Certificate of Insurance naming the City of Lincoln as additional insured in the following amounts:  
General Liability:\$1,000,000;Combined single limit per occurrence for bodily injury and property damage  
Automobile Liability:\$1,000,000;Combine single limit per accident for bodily injury and property damage  
General Aggregate: \$2,000,000

**OR for Minor Encroachment Permits applied for by homeowner, provide City of Lincoln with current homeowner's policy.**

I have read the above General Provisions and agree to abide by those Provisions.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title / Position

\_\_\_\_\_  
Telephone

## **City of Lincoln Director of Emergency Services**

### **Executive Order Regarding Temporary Outdoor Dining Guidelines**

**WHEREAS**, the California Emergency Services Act, Chapter 7, of the California Government Code, commencing with section 8550, confers upon the governing bodies of the political subdivisions of this state emergency powers necessary to protect health and safety and preserve lives and property; and

**WHEREAS**, section 8630 of the California Government Code states that, "a local emergency may be proclaimed only by the governing body of a county, city and county, or city or by an official so designated by ordinance adopted by such governing body"; and

**WHEREAS**, City of Lincoln Municipal Code, Title 2, Chapter 2.36, empowers the City Manager to act as the Director of Emergency Services and to proclaim the existence or threatened existence of a local emergency when this City is affected or likely to be affected by an emergency, including but not limited to, an epidemic; and

**WHEREAS**, a novel (new) Coronavirus Disease 2019 (COVID-19), with outcomes ranging from mild to severe illness and in some cases death, has arisen in China and spread to numerous other countries including the United States, and specifically the geographic boundaries of Placer County and the City of Lincoln; and

**WHEREAS**, a "Resolution Confirming and Ratifying the Proclamation of a Local Emergency Within the City of Lincoln Proclaimed by the City Manager on March 17, 2020 Pursuant to Lincoln Municipal Code Chapter 2.36 and Government Code Section 8630" (hereinafter "Proclamation") was approved by the Council of the City of Lincoln at a special meeting on March 17, 2020 proclaiming a "local emergency"; and

**WHEREAS**, the Proclamation conferred on the Director of Emergency Services certain rights, duties, and obligations to issue any order or regulation necessary to enforce Federal, State, County, and/or local requirements, orders, and/or regulations, including any orders and regulations necessary to provide for the protection of life and property; and

**WHEREAS**, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 ordering all of California to stay at home, unless in the category of essential services.

**WHEREAS**, on May 12, 2020 Placer County's COVID-19 Variance Attestation submission was officially posted on the California Department of Public Health's website, allowing Placer County (and the incorporated cities within) to begin reopening additional businesses in Stage 2 of the Governor's re-opening framework. These businesses include, but are not limited to, dine-in restaurants, subject to certain requirements.

**NOW, THEREFORE, IT IS HEREBY ORDERED**

- 1) In an effort to assist dine-in restaurants with their compliance with Governor Newsom's Executive Order N-33-20 and the California Department of Public Health's order and guidelines related to COVID-19 and Phase 2 re-opening, the City of Lincoln will temporarily allow certain City-owned public properties, including certain public rights-of-way, to be used for outdoor dining during the current City of Lincoln local emergency, subject to the following requirements:
  - a) Dine-in restaurants desiring to use public property for outdoor dining shall submit an Encroachment Permit application, through the City of Lincoln's Development Services Department, which may be granted or denied at the City's discretion.
  - b) The City of Lincoln reserves the right to determine on a case-by-case basis the suitability and appropriateness of the public property requested by the restaurant for outdoor dining.
  - c) The outdoor dining area shall not interfere with vehicular and pedestrian traffic, or access under the Americans with Disabilities Act.
  - d) No permanent item or structures shall be installed on City of Lincoln property. Further, no permanent or temporary signage shall be affixed to any publicly- owned structure, including but not limited to streetlights, benches, bus shelters, or similar appurtenances. Signage erected in violation of this provision is subject to immediate removal by the City of Lincoln. Temporary A-frame signs may be used, as provided in the City of Lincoln's Sign Ordinance.
  - e) Temporary fencing not exceeding three (3) feet tall shall be placed in a safe manner around the outdoor dining area, but shall not be located in a "clear vision triangle" or otherwise restrict visibility of pedestrians or vehicles
  - f) The outdoor dining area must be operated in accordance with all local, State, and Federal laws, orders, and requirements, including but not limited to health guidelines and orders regarding number of patrons, table spacing, use of shared materials, staff hygiene, social distancing, noise ordinances, etc. Restaurants shall comply with all applicable laws and regulations pertaining to outdoor dining (including but not limited to sale and consumption of alcoholic beverages and food service).
  - g) Hours of operation for outdoor uses shall not exceed the normal hours of operation for the corresponding restaurant for which the outdoor use is granted.
  - h) No permit shall be issued unless proof of adequate insurance, as determined by the City of Lincoln, is provided by the restaurant. Restaurants operate at their own risk and shall defend and indemnify the City of Lincoln for all activity that occurs in the outdoor dining area.

- i) No real property right is provided, given, or otherwise conveyed to any person or entity using public property for outdoor dining purpose. Any such use permitted hereunder shall cease upon termination of the City of Lincoln local emergency, unless terminated sooner. At such time of termination, the restaurant permittee shall return the public property to the condition existing at the time of permit issuance. The City of Lincoln reserves the right, in its sole discretion during the pendency of the City of Lincoln local emergency, to terminate or extend any permit issued hereunder. Upon termination of any use permit granted hereunder, the permittee shall return the City of Lincoln property to the condition existing at the time of permit issuance.
- 2) Additionally, the requirement to obtain required Planning approvals (Zoning, Special Event Permit, Design Review, etc.) for outdoor dining at existing restaurants on private property is suspended during the pendency of the City of Lincoln local emergency, subject to the following requirements:
- a) Such dine-in restaurant obtains the approval of any property owners to operate the outdoor dining area on the private property. This Order does not circumvent private property agreements or leases and conveys no right to operate an outdoor dining area.
  - b) No permanent item or structures shall be installed on the private property outdoor dining area.
  - c) Temporary fencing not exceeding three (3) feet tall shall be placed in a safe manner around the outdoor dining area.
  - d) The outdoor dining area must remain clear of drive aisles and fire lanes necessary to provide adequate vehicular circulation and access by public safety vehicles in the event of a fire, medical, or other emergency.
  - e) The outdoor dining area must be operated in accordance with all local, State, and Federal laws, orders, and requirements, including but not limited to health guidelines and orders regarding number of patrons, table spacing, use of shared materials, staff hygiene, social distancing, noise ordinances, accessibility, restrooms, etc. Restaurants shall comply with all applicable laws and regulations pertaining to outdoor dining (including but not limited to sale and consumption of alcoholic beverages and food service).
  - f) Hours of operation for outdoor uses shall not exceed the normal hours of operation for the corresponding restaurant for which the outdoor use is granted.
  - g) Any such use permitted hereunder shall cease upon termination of the City of Lincoln local emergency, unless terminated sooner. At such time of termination, the restaurant permittee shall cease the outdoor dining. The City of Lincoln reserves the right, in its sole discretion during the pendency of the City of Lincoln local emergency, to terminate or extend this Order.

IT IS FURTHER ORDERED that failure of any person to comply with this Order and any order issued by a law enforcement officer pursuant to this Order constitutes an imminent threat to public health.

IT IS FURTHER ORDERED that all of the foregoing provisions shall apply only during the period in which the City of Lincoln local emergency is in effect, or as soon terminated by future order of the Director of Emergency Services.

IT IS FURTHER DIRECTED that as soon as hereafter possible, this Order be filed with the City Clerk for the City of Lincoln and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits substantive or procedural, enforceable at law or in equity, against the City of Lincoln, its officers, elected officials, employees, agents, or other persons.

IN WITNESS HERETO this 4<sup>th</sup> day of June, 2020.



Jennifer Hanson  
City of Lincoln  
Director of Emergency Services

ATTEST:



Gwendolyn Scanlon  
City Clerk

APPROVED AS TO FORM:



Kristine Mollenkopf  
City Attorney